

AN ACT

relating to reports of missing children, missing persons, or attempted child abductions and to education and training for peace officers regarding missing or exploited children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 63.001, Code of Criminal Procedure, is amended by amending Subdivisions (1) and (5) and adding Subdivision (1-a) to read as follows:

(1) "Abduct" has the meaning assigned by Section 20.01, Penal Code.

(1-a) "Child" means a person under 18 years of age.

(5) "Missing child or missing person report" [~~or "report"~~] means information that is:

(A) given to a law enforcement agency on a form used for sending information to the national crime information center; and

(B) about a child or missing person whose whereabouts are unknown to the reporter and who is alleged in the form by the reporter to be missing.

SECTION 2. Subchapter A, Chapter 63, Code of Criminal Procedure, is amended by adding Article 63.0016 to read as follows:

Art. 63.0016. ATTEMPTED CHILD ABDUCTION BY RELATIVE. For purposes of this chapter, "attempted child abduction" does not include an attempted abduction in which the actor was a relative, as

1 defined by Section 20.01, Penal Code, of the person intended to be
2 abducted.

3 SECTION 3. Article 63.003, Code of Criminal Procedure, is
4 amended to read as follows:

5 Art. 63.003. FUNCTION OF CLEARINGHOUSE. (a) The
6 clearinghouse is a central repository of information on missing
7 children, ~~and~~ missing persons, and attempted child abductions.

8 (b) The clearinghouse shall:

9 (1) establish a system of intrastate communication of
10 information relating to missing children and missing persons;

11 (2) provide a centralized file for the exchange of
12 information on missing children, missing persons, and unidentified
13 dead bodies within the state;

14 (3) communicate with the national crime information
15 center for the exchange of information on missing children and
16 missing persons suspected of interstate travel;

17 (4) collect, process, maintain, and disseminate
18 accurate and complete information on missing children and missing
19 persons;

20 (5) provide a statewide toll-free telephone line for
21 the reporting of missing children and missing persons and for
22 receiving information on missing children and missing persons;

23 ~~and~~

24 (6) provide and disseminate to legal custodians, law
25 enforcement agencies, and the Texas Education Agency information
26 that explains how to prevent child abduction and what to do if a
27 child becomes missing; and

1 (7) receive and maintain information on attempted
2 child abductions in this state.

3 SECTION 4. Subchapter A, Chapter 63, Code of Criminal
4 Procedure, is amended by adding Article 63.0041 to read as follows:

5 Art. 63.0041. REPORTING OF ATTEMPTED CHILD ABDUCTION. A
6 law enforcement officer or local law enforcement agency reporting
7 an attempted child abduction to the clearinghouse shall make the
8 report by use of the Texas Law Enforcement Telecommunications
9 System or a successor system of telecommunication used by law
10 enforcement agencies and operated by the Department of Public
11 Safety.

12 SECTION 5. Article 63.009, Code of Criminal Procedure, is
13 amended by adding Subsection (a-1) to read as follows:

14 (a-1) A local law enforcement agency, on receiving a report
15 of an attempted child abduction, shall immediately, but not later
16 than eight hours after receiving the report, provide any relevant
17 information regarding the attempted child abduction to the
18 clearinghouse.

19 SECTION 6. Subchapter A, Chapter 63, Code of Criminal
20 Procedure, is amended by adding Article 63.0091 to read as follows:

21 Art. 63.0091. LAW ENFORCEMENT REQUIREMENTS REGARDING
22 REPORTS OF CERTAIN MISSING CHILDREN. (a) The public safety
23 director of the Department of Public Safety shall adopt rules
24 regarding the procedures for a local law enforcement agency on
25 receiving a report of a missing child who:

26 (1) had been reported missing on four or more
27 occasions in the 24-month period preceding the date of the current

1 report; or

2 (2) is in foster care or in the conservatorship of the
3 Department of Family and Protective Services and had been reported
4 missing on two or more occasions in the 24-month period preceding
5 the date of the current report.

6 (b) The rules adopted under this article must require that
7 in entering information regarding the report into the national
8 crime information center missing person file as required by Article
9 63.009(a)(3) for a missing child described by Subsection (a), the
10 local law enforcement agency shall indicate, in the manner
11 specified in the rules, that the child is endangered and include
12 relevant information regarding the prior occasions on which the
13 child was reported missing.

14 (c) If, at the time the initial entry into the national
15 crime information center missing person file is made, the local law
16 enforcement agency has not determined that the requirements of this
17 article apply to the report of the missing child, the information
18 required by Subsection (b) must be added to the entry promptly after
19 the agency investigating the report determines that the missing
20 child is described by Subsection (a).

21 SECTION 7. Article 63.013, Code of Criminal Procedure, is
22 amended to read as follows:

23 Art. 63.013. INFORMATION TO CLEARINGHOUSE. Each law
24 enforcement agency shall provide to the missing children and
25 missing persons information clearinghouse:

26 (1) any information that would assist in the location
27 or identification of any missing child who has been reported to the

1 agency as missing; and

2 (2) any information regarding an attempted child
3 abduction that has been reported to the agency or that the agency
4 has received from any person or another agency.

5 SECTION 8. Subchapter A, Chapter 411, Government Code, is
6 amended by adding Section 411.0133 to read as follows:

7 Sec. 411.0133. MISSING OR EXPLOITED CHILDREN PREVENTION
8 GRANTS. (a) In this section, "nonprofit organization" has the
9 meaning assigned by Section 403.351.

10 (b) This section applies to a nonprofit organization that is
11 formed to offer programs and provide information to parents or
12 other legal custodians, children, schools, public officials,
13 organizations serving youths, nonprofit organizations, and the
14 general public concerning child safety and Internet safety and the
15 prevention of child abductions and child sexual exploitation.

16 (c) The department may award a grant to a nonprofit
17 organization described by Subsection (b) that is operating in this
18 state to provide programs and information described by that
19 subsection to assist the department in the performance of the
20 department's duties related to missing or exploited children,
21 including any duty related to the missing children and missing
22 persons information clearinghouse under Chapter 63, Code of
23 Criminal Procedure.

24 (d) The department may adopt rules to implement this
25 section.

26 SECTION 9. Section 1701.402, Occupations Code, is amended
27 by adding Subsection (k) to read as follows:

1 (k) As a requirement for an intermediate or advanced
2 proficiency certificate issued by the commission on or after
3 January 1, 2015, an officer must complete an education and training
4 program on missing and exploited children. The commission by rule
5 shall establish the program. The program must:

6 (1) consist of at least four hours of training;

7 (2) include instruction on reporting an attempted
8 child abduction to the missing children and missing persons
9 information clearinghouse under Chapter 63, Code of Criminal
10 Procedure;

11 (3) include instruction on responding to and
12 investigating situations in which the Internet is used to commit
13 crimes against children; and

14 (4) include a review of the substance of Chapters 20
15 and 43, Penal Code.

16 SECTION 10. Not later than January 1, 2014:

17 (1) the Commission on Law Enforcement Officer
18 Standards and Education shall adopt the rules necessary to
19 implement Subsection (k), Section 1701.402, Occupations Code, as
20 added by this Act; and

21 (2) the Department of Public Safety of the State of
22 Texas and the public safety director of the department shall adopt
23 rules and forms necessary to implement Chapter 63, Code of Criminal
24 Procedure, as amended by this Act.

25 SECTION 11. (a) The change in law made by this Act in
26 adding Article 63.0091, Code of Criminal Procedure, applies to a
27 missing child report that is received by a law enforcement agency on

1 or after January 1, 2014.

2 (b) The change in law made by this Act in adding Subsection
3 (a-1), Article 63.009, Code of Criminal Procedure, and amending
4 Article 63.013, Code of Criminal Procedure, applies to an attempted
5 child abduction that is reported to a law enforcement agency on or
6 after January 1, 2014.

7 SECTION 12. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 742 passed the Senate on April 4, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 20, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 742 passed the House, with amendments, on May 15, 2013, by the following vote: Yeas 140, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor